

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**DORIS DAVIS,**

**Plaintiff,**

**v.**

**EL PASO MHMR and EL PASO  
COUNTY,**

**Defendants.**

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**CAUSE NO. EP-23-CV-287-KC**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE**

On this day, the Court considered the above-captioned case. On August 29, 2023, the Court referred Defendant El Paso County’s Motion to Dismiss for Failure to State a Claim for Relief, ECF No. 4, to United States Magistrate Judge Robert F. Castaneda pursuant to 28 U.S.C. § 636(b)(1). Aug. 29, 2023, Text Order. On September 26, 2023, the Magistrate Judge filed his Report and Recommendations (“R&R”), ECF No. 7, recommending that the Motion to Dismiss be granted. R&R 1. The Magistrate Judge also recommended that, because “the defect in Davis’s pleading is not incurable, and Davis has not yet sought to amend her original state-court petition,” she “should be granted an opportunity to amend.” R&R 9.

Parties have fourteen days from service of a Report and Recommendation of a United States Magistrate Judge to file written objections. *See* 28 U.S.C. § 636(b)(1)(C).<sup>1</sup> Over fourteen days have elapsed since all parties were served with the R&R, and no objections have been filed. *See* R&R. Instead, Plaintiff moved for leave to file an amended complaint. Mot. for Leave, ECF No. 11.

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<sup>1</sup> Federal district courts conduct de novo review of those portions of a report and recommendation to which a party has objected. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge . . . shall make a de novo determination of those portions of the report . . . to which objection is made . . .”).

When parties do not file written objections, courts apply a “clearly erroneous, abuse of discretion and contrary to law” standard of review to a report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After reviewing the R&R, the Court agrees with the Magistrate Judge’s proposed findings of fact and conclusions of law and finds that they are neither clearly erroneous nor contrary to law. *See id.*

Accordingly, the Court **ADOPTS** the R&R, ECF No. 7, in its entirety, and **ORDERS** that Defendant El Paso County’s Motion to Dismiss, ECF No. 4, is **GRANTED**. Plaintiff’s claims against El Paso County, as filed in her Original Petition, ECF No. 1-3, are **DISMISSED** with leave to amend.

**IT IS FURTHER ORDERED** that Plaintiff’s Motion for Leave, ECF No. 11, is **GRANTED**.

**SO ORDERED.**

**SIGNED** this 11th day of October, 2023.

  
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**KATHLEEN CARDONE**  
**UNITED STATES DISTRICT JUDGE**